

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TRICIA MORRIS, ET AL.,)	Civ. No. 12-00004 ACK-BMK
)	
Plaintiffs,)	FINDINGS AND
)	RECOMMENDATION TO
vs.)	DISMISS THIS ACTION
)	
SPECIALIZED LOAN SERVICING,)	
LLC, ET AL.,)	
)	
Defendants.)	
_____)	

FINDINGS AND RECOMMENDATION TO DISMISS THIS ACTION

On January 3, 2012, Plaintiffs Tricia Morris and Duffy Herman filed this action against Defendants Specialized Loan Servicing, LLC, Arch Bay Holdings, LLC – Series 2009D, and CitiMortgage. The Court finds and recommends that this action be DISMISSED.

On May 3, 2012, the Court issued an Order to Show Cause. (Doc. 12.) The Order noted that, according to Plaintiffs’ counsel, Plaintiffs were in bankruptcy and were unsure how they wanted to proceed with this case. The Order also noted that Plaintiffs failed to timely serve some of the Defendants. Indeed, as of this date, it appears that certain Defendants remain unserved.

The Order to Show Cause was set for hearing on June 20, 2012 at 9:30 a.m. The Court ordered Plaintiffs to appear telephonically or in person at the

hearing “to show good cause, if any, why this case should not be dismissed for failure to serve Defendants and to prosecute this case.” At the time of the scheduled hearing, the Court was prepared to hold the show cause hearing, but neither Plaintiffs nor their counsel appeared in person. Further, neither Plaintiffs nor their counsel made arrangements with the Court to appear by phone. Thus, Plaintiffs have failed to show good cause why this case should not be dismissed for failure to serve all Defendants and to prosecute this case. The Court therefore FINDS and RECOMMENDS that this action be dismissed.

DATED: Honolulu, Hawaii, June 21, 2012.

IT IS SO ORDERED.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

Tricia Morris, et al. v. Specialized Loan Servicing, LLC, et al., Civ. No. 12-00004 ACK-BMK;
FINDINGS AND RECOMMENDATION TO DISMISS THIS ACTION.